

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

JIMMY LEE COLEMAN

PLAINTIFF

V.

CIVIL ACTION NO. 3:14CV005-SAA

**CAROLYN W. COLVIN,
ACTING COMMISSIONER OF
SOCIAL SECURITY**

DEFENDANT

ORDER GRANTING PAYMENT OF ATTORNEY'S FEES

Plaintiff seeks an award of attorney fees of \$5,733.00 paid under the Equal Access to Justice Act, 28 U.S.C. § 2412. The requested award represents 29.4 hours of work at the rate of \$195.00 per hour for attorney time. Plaintiff's attorney contends that his firm's usual hourly rate is \$225.00 for attorney time.

Defendant does not oppose plaintiff's request for compensation for 29.4 hours of work performed by his attorney, but does oppose the request for compensation at the hourly rate of \$195.00 per hour. It is defendant's contention that plaintiff's EAJA rate of \$190.00 is not reasonable, and requests instead that the court use the "South urban" area CPI numbers and the "Annual" or HALF1 numbers, as applicable. Further, defendant asserts that under *Astrue v. Ratliff*, 130 S.Ct. 2521 (2010) the fees must be made payable to the plaintiff.

The awarding of EAJA fees and the method used to calculate those fees has recently been addressed by this court in *Fowler v. Colvin*, Civil Case No. 4:14cv039-JMV. In accordance with that ruling, and to assure uniformity among counsel who represent Social Security claimants in this district, it is

ORDERED

that the defendant pay the plaintiff \$5,546.31 in attorney's fees, representing 2.5 hours of work performed in 2013 at the rate of \$185.96 per hour and 26.9 hours of work in 2014 at the rate of \$188.90. Defendant will mail the award to plaintiff's attorney.

This, the 18th day of December, 2014.

/s/ S. Allan Alexander
UNITED STATES MAGISTRATE JUDGE